EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-0320-PWS-E **TCEQ ID:** RN101217925

CASE NO.: 32851

RESPONDENT NAME: Texas H2O, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
County	RED: Forest Acres Gardens, Corner of Garden Acre	s Road and Teague Road, Mansfield, Tarrant
TYPE OF OPERATION: Public water sup	pply	
SMALL BUSINESS: X Yes		
OTHER SIGNIFICANT MATTERS: The facility location.	ere are no complaints. There is no record of addition	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other th	nan the ED and the Respondent has expressed an inte	erest in this matter.
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on July 1, 2007. No	comments were received.
David Van Soest, Enforcement Di Respondent: Mr. Jess Lewellyn, F	r: Mr. Epifanio Villareal, Enforcement Division, En	

RESPONDENT NAME: Texas H2O, Inc. **DOCKET NO.:** 2007-0320-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION CORRECTIVE ACTIONS PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$1,496 Corrective Actions Taken: ___ Complaint Routine **Total Deferred: \$299** 1) The Executive Director recognizes that Enforcement Follow-up X Expedited Settlement by March 16, 2007 the Respondent has X Records Review implemented the following corrective measures at the Facility: __Financial Inability to Pay Date(s) of Complaints Relating to this a) Compiled a plant operations manual that Case: None **SEP Conditional Offset: \$0** includes procedures to be followed in the Date of Investigation Relating to this Total Paid to General Revenue: \$1,197 event of an emergency; Case: February 7, 2007 b) Positioned the inlet and outlet Site Compliance History Classification connections on the ground storage tank so-Date of NOE Relating to this Case: __ High __ Average __ Poor February 9, 2007 (NOE) as to prevent short circuiting or stagnation: S. V. M. 421 **Person Compliance History Classification** c) Provided a minimum service pump Background Facts: This was a routine __ High _X Average __ Poor capacity of 2.0 gallons per minute per record review. Seven violations were connection after installing a new 5.0 documented. Major Source: X Yes No horsepower pump; AIR/WATER/WASTE Applicable Penalty Policy: September 2002 d) Installed a gooseneck vent on the ground storage tank; and 1) Failed to adhere to the American Water Works Association ("AWWA") design Jan . Cardi Halanda standards for ground storage tanks [30 e) Provided an up-to-date map of the TEX. ADMIN. CODE § 290.43(c)(2)]. distribution system showing the location of all valves and mains. 2) Failed to maintain copies of well **Ordering Provisions:** completion data on file as long as the well remains in service [30 Tex. ADMIN. CODE § 290.46(n)(3)]. 2) The Order will require the Respondent 3) Failed to compile a thorough plant operations manual and keep it up-to-date a. Within 30 days after the effective date of for operator review and reference [30 Tex. this Agreed Order, provide a copy of the ADMIN. CODE § 290.42(1)]. well log and cementing certificate for well No. 2 (G2200186B). 4) Failed to properly locate the inlet and outlet connections so as to prevent shortb. Within 45 days after the effective date circuting or stagnation of water within the of this Agreed Order submit written ground storage tank [30 Tex. ADMIN. CODE certification of compliance with Ordering § 290.43(c)(5)]. Provision 2.a. 5) Failed to provide a minimum well c. Within 90 days after the effective date of capacity of 0.6 gallons per minute ("gpm") this Agreed Order, provide a minimum per connection [30 Tex. ADMIN. CODE § well capacity of 0.6 gpm per connection; 290.45(b)(1)(B)(i) and TEX. HEALTH & and SAFETY CODE § 341.0315(c)]. 6) Failed to provide a minimum service d. Within 105 days after the effective date pump capacity of 2.0 gallons per minute of this Agreed Order, submit written ("gpm") per connection [30 Tex. ADMIN. certification encompassing detailed CODE § 290.45(b)(1)(C)(iii) and TEX. supporting documentation including HEALTH & SAFETY CODE § 341.0315(c)]. photographs, receipts, and/or other records to demonstrate compliance with Ordering 7) Failed to provide a map of the Provision 2.c. distribution system to help locate valves

Page 3 of 3

RESPONDENT NAME: Texas H2O, Inc. **DOCKET NO.:** 2007-0320-PWS-E

	and mains in the event of an emergency	
1	[30 Tex. Admin. Code § 290.46(n)(2)].	

Policy Revision 2 (Septer		nalty (Calculatio	on Works	sheet (Po		ision January 9, 2007
	26-Feb-2007 27-Feb-2007	Screening	27-Feb-2007	EPA Due			
RESPONDENT/FACILITY II Respondent T Reg. Ent. Ref. No.	exas H2O, Inc RN101217925						
Facility/Site Region 4	-Dallas/Fort W	orth		Major/	Minor Source	Major	
CASE INFORMATION Enf./Case ID No. 3 Docket No. 2 Media Program(s) F Multi-Media Admin. Penalty \$ Li	2007-0320-PW Public Water Su	the second secon	Maximum			The state of the s	2
		Pena	alty Calcul	ation Sec	tion		
TOTAL BASE PENAL	TY (Sum of					Subtotal 1	\$1,360
			•				
ADJUSTMENTS (+/-) 7 Subtotals 2-7 are obtained	ed by multiplying the	AL 1 e Total Base F	Penalty (Subtotal 1)	by the indicated pe	rcentage.	-	
Compliance Histo	Enhancemen	t are the sa	previous Notice me or similar to enforcement ca	the violations	("NOV") with	otals 2, 3, & 7	\$136
Culpability	No		0'	% Enhancement		Subtotal 4	\$0
Notes	The R	espondent	does not meet t	the culpability c	riteria.		
Good Faith Effort		NOV to EDE	0 PRP/Settlement Offe	% Reduction		Subtotal 5	\$0
Extraordinary	Before NOV	NOV to EDF	TREASEMENTER ON	51			
Ordinary N/A	×	(mark with x)					
Notes			does not meet	the good faith o	riteria.		
	Total EB Amounts			% Enhancement* bed at the Total EB	\$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	§ 1-7					Final Subtotal	\$1,496
OTHER FACTORS AS Reduces or enhances the Final Su	S JUSTICE N	MAY REQ	UIRE je. <i>(Enter number d</i>	only; e.g30 for -30])%.)	Adjustment	\$0
Notes							
unphi/riconne				<u> Rej instituteje, entititi e t</u>	Final Pe	enalty Amount	\$1,496
STATUTORY LIMIT A	DJUSTMEN	Т			Final Ass	essed Penalty	\$1,496
DEFERRAL Reduces the Final Assessed Pena				20%		Adjustment	-\$299

Deferral offered for expedited settlement.

\$1,197

Notes

PAYABLE PENALTY

Docket No. 2007-0320-PWS-E

Policy Revision 2 (September 2002) PCW Revision January 9, 2007

Respondent Texas H2O, Inc. Case ID No. 32851 Reg. Ent. Reference No. RN101217925

Media [Statute] Public Water Supply Enf. Coordinator Christopher Miller

Compliance History Worksheet

		Site Enhancement (Subtotal 2)	E 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	Component		Enter Number Here	Adjust.	1
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	n 2	10%	
		Other written NOVs	Ö	. 0%]
		Any agreed final enforcement orders containing a denial of liability (number of order meeting criteria)	s 0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denior liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	e e e
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cou judgments or consent decrees without a denial of liability, of this state or the federa government		. 0%	fat k
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	1.
	Emissions	Chronic excessive emissions events (number of events)	0	0%] .
	Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2007/11/10/2002/00/2007/2017/11/2017	0%	
	radito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privileg Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	e 0	0%	
		Ple	ase Enter Yes or No		-
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%	
	Otriei	Participation in a voluntary pollution reduction program	No	0%	1
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%	
		Adjustment	Percentage (Su	ıbtotal 2)	10%
Repe	at Violator (Su	btotal 3)			
	N/A	Adjustment	Percentage (Su	ıbtotal 3)	0%
Comp	oliance History	Person Classification (Subtotal 7)			
	Average Po	erformer Adjustment	Percentage (Su	ıbtotal 7)	0%
Comp	liance History	Summary			
	Compliance History Notes	Enhancement due to two previous Notices of Violation ("NOV") with violations that are the s the violations in the current enforcement case.	ame or similar to		

Screenii	ng Date 27-Feb-2007	Docket	t No. 2007-0320-PWS-E	PCW
\$	ondent Texas H2O, Inc.	*		Policy Revision 2 (September 200)
\$880.000.000000000000000000000000000000	e ID No. 32851			PCW Revision January 9, 200
 	nce No. RN101217925			
	Statute] Public Water Supply			
	dinator Christopher Miller Number 1			
violation	Number			
Ru	le Cite(s)	30 Tex. Admin. Code	§ 290.43(c)(2)	
Violation De	scription standards for group	und storage tanks ("GST	orks Association ("AWWA") of s"). Specifically, on the day overflow pipe rather than the	of the
			Ва	se Penalty \$1,00
>> Environmental, Pr	operty and Human Health	Matrix		
	Harm Release Major Modera			
OR	Actual			
	Potential	×	Percent 10%	
>>Programmatic Mat	rix			
	Isification Major Modera	<u>nte Minor</u>		1
			Percent 0%	
(FE	ilure to construct storage tanks in	accordance with AVANA	standards can nose a risk to	emolovee
Matrix	ety and could allow contaminants	to enter the water supply	y that would not exceed level	s protective
Notes		of human health.		
		•	Adjustment	\$900
		***************************************	•	64
				\$1
Violation Events				
	mber of Violation Events 1		Number of violation d	ays
	Jan.		•	
	daily monthly			
m	ark only one quarterly		Violation Ba	se Penalty \$1
	with an x semiannual			
	annual			
*	single event x			
	On	e single event is recomm	nended.	
Economic Benefit (E	B) for this violation		Statutory Limit T	est
	Estimated EB Amount	\$29	Violation Final Po	enalty Total \$1
				-
		This violation Final	Assessed Penalty (adjuste	d for limits) \$1

quired Final E	0,0	\$0 \$0 \$0 \$1 \$1	Percent Interest	Depreciation 1 EB Amount
	0.0 0.0 0.0 2007 0.4 0.0	\$0 \$0 \$0 \$1 \$1	S0 \$0 \$27	\$0 \$0 \$0 \$0
	0.0 0.0 0.0 2007 0.4 0.0	\$0 \$0 \$0 \$1 \$1	\$0 \$0 \$0 \$0 \$27	\$0 \$0 \$0
-2006 16-Mar-	0,0 0,0 -2007 0,4 0,0 0,0	\$0 \$0 \$1 \$0 \$1	\$0 \$0 \$0 \$27	\$0 \$0 \$0
-2006 16-Mar-	0,0 0,0 -2007 0,4 0,0 0,0	\$0 \$0 \$1 \$0 \$1	\$0 \$0 \$0 \$27	\$0 \$0 \$0
2006 16-Mar-	0,0 0,0 -2007 0,4 0,0 0,0	\$0 \$0 \$1 \$0 \$1	\$0 \$0 \$27	\$0 \$0
.2006 16-Mar-	0,0 0,0 -2007 0,4 0,0 0,0	\$0 \$0 \$1 \$0 \$1	\$0 \$0 \$27	\$0 \$0
:2006 16-Mar-	0,0 -2007 0,4 0,0 0,0	\$0 \$1 \$0	\$0 + \$27	\$0
2006 16-Mar-	-2007 0,4 0,0 0,0	\$1 \$0	\$27	
ZOOC WIND	0.0	\$0	· · · · · · · · · · · · · · · · · · ·	
	0,0		n/a	\$0.15
	0.0	\$0	n/a	\$0
		\$0	n/a	\$0
The state of the s	0.0		n/a	\$0
	0.0		n/a	\$0
	0,0	\$0	n/a	\$0
date of the investig] avoided costs b	efore enterin	ng Item (except	for one-time avoided	\$0
				\$0
				\$0
				\$0
				\$0 \$0
				\$0
		0.0 0.0 0.0 0.0 0.0 0.0 0.0		0.0 \$0 \$0 0.0 \$0 \$0

rain or on the colored to establish the

 $||\phi_{ij}||_{2\Phi} = \frac{1}{4} \frac{$

sion 2 (September 2002		Screening Date 27-Fe
		Respondent Texas
Revision January 9, 200		Case ID No. 32851 Reg. Ent. Reference No. RN10
		Media [Statute] Public
		Enf. Coordinator Christ
	2	\$88888998
	30 Tex. Admin. Code § 290.46(n)(3)	Rule Cite(s)
	Failed to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service. Specifically, the required information was not available for well No. 2 (G2200186B).	Violation Description of a r
\$1,00	Base Penalty	L
		vironmental, Property and H
	Harm Major Moderate Minor	Release M
		Actual
	Percent 0%	Potential
		<u> </u>
		ogrammatic Matrix
	Major Moderate Minor y Percent 25%	Falsification M
	X Percent 25%	
	Failed to comply with 100% of the rule requirement.	Matrix Notes
	Adjustment \$750	
\$25	\$750	
\$25	Adjustment \$750	
\$25	Adjustment \$750	tion Events
\$25		
\$28	ation Events 1 20 Number of violation days	ition Events Number of Violation
\$25	ation Events 1 20 Number of violation days	tion Events Number of Violation
\$25 \$25	ation Events 1 20 Number of violation days	Number of Violation mark only one with an x mark only one and a service.
	ation Events	Number of Violation mark only one with an x mark only one and a service.
	ation Events 1 20 Number of violation days daily monthly quarterly semiannual annual single event x One single event is recommended.	Number of Violation mark only one with an x mark only one and a service.
	ation Events 1 20 Number of violation days daily	Number of Violation mark only one with an x sing
\$29	ation Events 1 20 Number of violation days daily	Number of Violation mark only one with an x a sing

	E	conomic l	Benefit W	orksl	heet		
Respondent	Texas H2O, Inc	.			4	a decreased	· 1.]4
Case ID No.	32851						web g
Reg. Ent, Reference No.	RN101217925						
Media	Public Water S	upply			, i	Percent Interest	Years of
Violation No.	2			2	3.30 (0.00)	reiceili lillelesi	Depreciation
						5.0	15
100000000000000000000000000000000000000	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	l. Na sommos or 8						
nom Bescription	i i iyo commas or s	The second section	. gafayari, Da. 1				
Delayed Costs							
Equipment		1		0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0 ;	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	18-Oct-2006	27-Nov-2007	1.1	\$28	n/a	\$28
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)			40.000.000.000.000.000.000.000.000.000.		ΨΟ		
							Ψ0
Notes for DELAYED costs		Investig	ation. Final date i	s the estir	nated date of co	?, Date required is t	he date of the
Avoided Costs		Investig	ation. Final date i	s the estir	nated date of co	2. Date required is to mpliance.	he date of the
Avoided Costs	ANN	Investig	ation. Final date i	the esting It	mated date of co em (except for \$0	2. Date required is to the second sec	he date of the costs)
Avoided Costs Disposal Personnel		Investig	ation. Final date i	the esting it	nated date of co em (except for \$0 \$0	2. Date required is templiance. one-time avoided of \$0 \$0	he date of the costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	Investig	ation. Final date i	ntering It	nated date of co em (except for \$0 \$0 \$0	2. Date required is templiance. one-time avoided of \$0 \$0 \$0 \$0	he date of the costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	Investig	ation. Final date i	ntering It	nated date of co em (except for \$0 \$0 \$0 \$0	2. Date required is to mpliance. one-time avoided to \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	Investig	ation. Final date i	ntering It 0.0 0.0 0.0 0.0 0.0 0.0	nated date of co em (except for \$0 \$0 \$0 \$0 \$0 \$0	2. Date required is small ance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	Investig	ation. Final date i	ntering It	nated date of co em (except for \$0 \$0 \$0 \$0	2. Date required is to mpliance. one-time avoided to \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	Investig	ation. Final date i	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	mated date of co em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	2. Date required is to mpliance. cone-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	Investig	ation. Final date i	ntering it	mated date of co em (except for \$0 \$0 \$0 \$0 \$0 \$0	2. Date required is to mpliance. cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	Investig	ation. Final date is	ntering it	mated date of co em (except for \$0 \$0 \$0 \$0 \$0 \$0	2. Date required is to mpliance. cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

and the second of the second o

THE CONTRACTOR OF THE PROPERTY OF THE PROPERTY OF THE

	ate 27-Feb-2007	Docket	No. 2007-0320-PWS-E	PCW
	ent Texas H2O, Inc.			Policy Revision 2 (September 2002)
Case ID				PCW Revision January 9, 2007
Reg. Ent. Reference				
	ite] Public Water Supply tor Christopher Miller			
EIII. Coordina Violation Num	5 4 2 5 4 6 C <u>3</u>			
Rule Cit	Licensia de la companya del companya de la companya del companya de la companya d	00.75	c 200 49/()	
		30 Tex. Admin. Code		
Violation Descrip	tion review and reference	rough plant operations man. Specifically, on the date cocedures to be followed in t	nual and keep it up-to-date for o of the investigation the manual one event of an emergency.	lid not
			Base I	Penalty \$1,000
>> Environmental, Prope	ty and Human Health Harn			***************************************
Rele	ease Major Moder			
OR Ad Pote	ctual ntial		Percent 0%	
>>Programmatic Matrix	- 900 (400)	100 (CH10) Hamilton		
Falsifica	tion Major Moder		Davis 10/	
		X	Percent 1%	
Matrix Notes	Failed to (comply with 20% of the rule	requirement.	9
Acting the second secon			Adjustment	\$990
				\$10
Violation Events				
	of Violation Events 1	20	Number of violation days	
mark only with ar			Violation Base	Penalty \$10
20 25 20 36 50 20 50	0	ne single event is recomme	nded.	
Economic Benefit (EB) fo	or this violation		Statutory Limit Test	
Esti	mated EB Amount	\$1	Violation Final Penal	ity Total \$11
		This violation Final	Assessed Penalty (adjusted fo	r limits) \$11
		I IIII IIUIJAIUI EIIII	assossed i charry (adjusted to	·

	E	conomic E	Benefit W	orks	heet	-	140
Respondent	Texas H2O, Inc),					i (i i i
Case ID No.	32851					4 (4.54.5a)	+ , 3
Reg. Ent. Reference No.	RN101217925						
Media	Public Water S	upply				Percent Interest	Years of
Violation No.	3				100 100 100 100	Fercent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commes or \$						
nom 2001 page	140 confines of S	record and the second				1	
Delayed Costs							
Equipment		<u> </u>		0.0	\$0 -	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	*** \$0 ***
Land [920000000000000000000000000000000000000	ocenspect communication	0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	\$50	18-Oct-2006	16-Mar-2007	0.4	\$1	n/a	\$1
Notes for DELAYED costs			e investigation.	Final dat	te is the date of co	mpliance.	
Avoided Costs	ANN	UALIZE [1] avoided	i costs before e				
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0
onici (uo riccucu)		<u> </u>		<u> </u>	ι Ψυ	Ψυ	ΨΟ
Notes for AVOIDED costs		There a	are no avolded co	osts asso	oclated with this v	iolation.	
Approx. Cost of Compliance		\$50			TOTAL		\$1

en de la composition La composition de la

en de la companya de la co

>> Environmental, Property and Human Health Matrix Harm	-
Reg. Ent. Reference No. RN101217925 Media [Statute] Public Water Supply Enf. Coordinator Christopher Miller Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5) Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Security State of the property and Human Health Matrix Release Major Moderate Minor OR Actual Ordential X Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
Media [Statute] Public Water Supply Enf. Coordinator Christopher Miller Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5) Violation Description Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Base Penalty >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	000,
Enf. Coordinator Christopher Miller Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5) Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Base Penalty \$ >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Moderate Minor Potential X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	,000,
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(5) Violation Description Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. **Base Penalty** **Servironmental, Property and Human Health Matrix** **Harm Release Major Moderate Minor OR Actual Potential x Percent 25% **Programmatic Matrix* Falsification Major Moderate Minor Percent 0% **Matrix* Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. **Adjustment** **Adjustment** **Adjustment** **T50** **Adjustment** **Adjustment** **T50** **Total Cite(s)	000,
Violation Description Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Base Penalty Servironmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Objective Moderate Minor Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation.	1,000
Violation Description Failed to properly locate the inlet and outlet connections so as to prevent short-circuiting or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Base Penalty S S Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual Moderate Minor Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	000,1
Violation Description or stagnation of water within the ground storage tank. Specifically, during the investigation both the inlet and outlet were located at the bottom of the tank. Base Penalty \$ Second Second	000, 1
>> Environmental, Property and Human Health Matrix Harm	1,000
OR Release Major Moderate Minor Actual Potential X Percent 25% > Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
OR Release Major Moderate Minor Actual Potential X Percent 25% > Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
OR Actual Potential X Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	november et de la constitución d
Potentia X Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	***************************************
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
Matrix Notes Human health will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective to human health as a result of the violation. Adjustment \$750	
Notes levels that are protective to human health as a result of the violation. Adjustment \$750	
Notes levels that are protective to human health as a result of the violation. Adjustment \$750	
Notes levels that are protective to human health as a result of the violation. Adjustment \$750	
Adjustment \$750	
	\$250
Violation Events	
Number of Violation Events 1 20 Number of violation days	
Number of Violation Events 1 20 Number of violation days	
daily	
monthly	
mark only one quarterly x Violation Base Penalty	\$250
with an x semiannual	
annual	
single event	
One quarterly event is recommended based on the February 7, 2007 record review date to the February 27, 2007 screening date.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Economic Denent (ED) for this violation	
Estimated EB Amount \$4 Violation Final Penalty Total	
	\$275
This violation Final Assessed Penalty (adjusted for limits)	\$275 \$275

	E	conomic I	3enefit W	orksl	neet		
Respondent	Texas H2O, In	C,		*****************	10 mm		1-11 ·
Case ID No.	32851					. 74	
Reg. Ent. Reference No.	RN101217925	;				1 2 2 2 3 4 3 7 4	
	Public Water 9					[Years of
Violation No.		Suppij			1.1 4 - 24 fr	Percent Interest	Depreciation
Violation No.	т					5.0	
		D 1 D 1 1	e			5.0	15
	Item Cost	Date Required	Final Date	Yrs I	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
_			- 1 Mag 14 1 - 1 1 1 4 4 1				Mistronego (Cold Color Color Color
Delayed Costs	r============	-,		1 			
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0
Training/Sampling Rémediation/Disposal				0.0	\$0 \$0	n/a n/a	\$0 \$0
		4					
Permit Costs Other (as needed)	\$200	18-Oct-2006	16-Mar-2007	0.0	\$0 \$4	n/a n/a	\$0 \$4
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated co	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of	\$0 \$4 lons. Date requi f compliance.	n/a n/a red is the date of th	\$0 \$4 e Investigation.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of	\$0 \$4 ions. Date requif compliance. em (except for	n/a n/a red is the date of th one-time avoided c	\$0 \$4 e investigation.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of other ing its	\$0 \$4 lons. Date required for compliance. em (except for \$0	n/a n/a red is the date of th one-time avoided c \$0	\$0 \$4 e investigation, costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of ntering Ite	\$0 \$4 Ions. Date required f compliance. em (except for \$0 \$0	n/a n/a ired is the date of th one-time avoided of \$0 \$0	\$0 \$4 e Investigation. sosts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	st to properly locate	the inlet and outle Final date is	o.0 0.4 et connect the date of	\$0 \$4 lons. Date required formpliance, em (except for \$0 \$0 \$0	n/a n/a ired is the date of th one-time avoided c \$0 \$0 \$0	\$0 \$4 e investigation, osts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	st to properly locate	the inlet and outle Final date is	o.0 0.4 et connect the date of	\$0 \$4 lons. Date required for compilance, em (except for \$0 \$0 \$0 \$0	n/a n/a nred is the date of th one-time avoided of the state of the s	\$0 \$4 e investigation, sosts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICE GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of 0.0	\$0 \$4 lons. Date required from the compilance. em (except for \$0 \$0 \$0 \$0 \$0	n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e investigation. sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of the dat	\$0 \$4 lons: Date required for compliance em (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e Investigation, sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to properly locate	the inlet and outle Final date is	0.0 0.4 et connect the date of 0.0	\$0 \$4 lons. Date required from the compilance. em (except for \$0 \$0 \$0 \$0 \$0	n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e investigation, sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICE GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	SUALIZE [1] avoide	the inlet and outle Final date is d costs before e	0.0 0.4 et connect the date of	\$0 \$4 lons. Date required from the compilance. em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e Investigation, sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	SUALIZE [1] avoide	the inlet and outle Final date is	0.0 0.4 et connect the date of	\$0 \$4 lons. Date required from the compilance. em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e Investigation, sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	SUALIZE [1] avoide	the inlet and outle Final date is d costs before e	0.0 0.4 et connect the date of	\$0 \$4 lons. Date required from the compilance. em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a red is the date of th one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$4 e Investigation, sosts) \$0 \$0 \$0 \$0 \$0

.

ion 2 (September 200	4-10 - 17 - 19 - 19 - 19 - 19 - 19 - 19 - 19	ng Date 27-Feb-2007	Screening Date	
		ondent Texas H2O, Inc.		
evision January 9, 20	PCWI	D No. 32851		
		nce No. RN101217925		Reg.
		Statute] Public Water Supply dinator Christopher Miller		
			Violation Numbe	
	§ 290.45(b)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)	. 04.4.	Rule Cite(s	
	a minimum well capacity of 0.6 gallons per minute ("gpm") per ally, a system with 137 connections should have a capacity of 82.2 ne investigation the Facility was providing 63 gpm, indicating a 23% deficiency.	connection. Specifically	Violation Descriptio	
\$1,0	Base Penalty		,	
	Matrix	operty and Human Health M	nmental. Property	> Enviro
	m ·	Harm		
	rate Minor	Release Major Moderate Actual		OR
	Percent 25%	Potential X		OR
		rix	mmatic Matrix	>Prograi
			Falsification	
	Percent 0%			
				
	ners of the water supply could experience water shortages and the	/ithout sufficent capacity, customer	Matrix Without su	
	ners of the water supply could experience water shortages and the and adequate supply of water to the customers could be impaired.	/ithout sufficent capacity, customer ystem's ability to provide a safe and	Matrix Without so system's a	
	and adequate supply of water to the customers could be impaired.	/ithout sufficent capacity, customer ystem's ability to provide a safe and	Matrix Without so system's a	
Q.	ners of the water supply could experience water shortages and the and adequate supply of water to the customers could be impaired. Adjustment \$750	/ithout sufficent capacity, customer ystem's ability to provide a safe and	Matrix Without su system's a	
\$2	and adequate supply of water to the customers could be impaired.	/ithout sufficent capacity, customer ystem's ability to provide a safe and	Matrix Without su Notes system's a	
\$2	and adequate supply of water to the customers could be impaired.	//ithout sufficent capacity, customer ystem's ability to provide a safe and	Notes system's a	/iolation
\$2	Adjustment \$750	ystem's ability to provide a safe and	Notes system's a	/iolation
\$2	Adjustment \$750	//ithout sufficent capacity, customer ystem's ability to provide a safe and	Notes system's a	/ iolation
\$2	Adjustment \$750	ystem's ability to provide a safe and	Notes system's a	/iolation
. ,	Adjustment \$750 Adjustment \$0 Number of violation days	ystem's ability to provide a safe and	Notes system's a	/iolation
\$2 \$2	Adjustment \$750 20 Number of violation days	nber of Violation Events daily monthly quarterly x	Notes system's a Events Number of \ mark only on	/iolation
. ,	Adjustment \$750 20 Number of violation days	nber of Violation Events daily monthly quarterly with an x semiannual	Notes system's a	/iolation
. ,	Adjustment \$750 20 Number of violation days	nber of Violation Events daily monthly quarterly x	Notes system's a Events Number of \ mark only on	/iolation
. ,	Adjustment \$750 20 Number of violation days	mber of Violation Events daily monthly quarterly semiannual annual	Notes system's a Events Number of \ mark only on	/iolation
. ,	Adjustment \$750 20 Number of violation days	mber of Violation Events ark only one with an x One quarterly event is recommen	Events Number of Number o	/iolation
. ,	Adjustment \$750 Adjustment \$750 20 Number of violation days Violation Base Penalty ended based on the February 7, 2007 record review date to the	mber of Violation Events ark only one with an x One quarterly event is recommen	Notes system's a syste	
. ,	Adjustment \$750 Adjustment \$750 20 Number of violation days Violation Base Penalty ended based on the February 7, 2007 record review date to the February 27, 2007 screening date. Statutory Limit Test	mber of Violation Events ark only one with an x One quarterly event is recommen Fet. B) for this violation	Events Number of \ mark only on with an x One question Benefit (EB) for	
\$2	Adjustment \$750 Adjustment \$750 20 Number of violation days Violation Base Penalty ended based on the February 7, 2007 record review date to the February 27, 2007 screening date. Statutory Limit Test	mber of Violation Events daily monthly quarterly semiannual annual single event One quarterly event is recommen	Events Number of \ mark only on with an x One question Benefit (EB) for	

Respondent	Texas H2O, In	conomic E	Joneth VV	OINS	oneet	ing the second	9 <u>1</u>
Case ID No.		J.					
Reg. Ent. Reference No.	RN101217925		•			and the second of the second	ing and the second
Media Violation No.	Public Water S 5	Supply			erako etakoa	Percent Interest	Years of Depreclation
						5.0	10
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
B 1 10 1	77.19	1 200 (1,200) 241 1	entunta esta en		the state of the	*	
Delayed Costs Equipment	\$5,000	18-Oct-2006	27-Jan-2008	ी रव	\$21	\$426	\$447
Buildings	\$5,000	10-001-2006	27-3811-2006	1.3 0.0	\$0	\$420 \$0	\$447 \$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	***************************************	(0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
			anacity to a minin	กแพ ก ล		n Date required is	the date of the
Notes for DELAYED costs Avoided Costs		Investig	ation, Final date	is the es	timated date of co		
Avoided Costs		Investig	ation, Final date	is the es	limated date of co	mpliance. Jone-time avoided c	osts)
		Investig	ation, Final date	is the est	timated date of co	mpliance.	
Avoided Costs Disposal	ANN	Investig	ation, Final date	ntering	timated date of co item (except for a \$0	mpliance. pne-time avoided c \$0	osts) \$0
Avoided Costs Disposal Personnel	ANN	Investig	ation, Final date	ntering 0.0 0.0	Itmated date of co	mpliance. Dine-time avoided of \$0 \$0	sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	Investig	ation, Final date	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	mpllance, pne-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	Investig	ation, Final date	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	mpliance. pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	Investig	ation, Final date	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	mpliance. pne-time avoided complete some some some some some some some som	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	Investig	ation, Final date	ntering 0.0 0.	Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	mpliance. pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	Investig	ation, Final date	ntering 0.0 0.	Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	mpliance. pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

State County Mar Administration and Section 1997

Control of the way!

 $(\operatorname{dist}^{(k+1)}(M) \otimes \operatorname{dist}^{(k+1)}(M)) = \{j \in \mathcal{J} \mid (\mathcal{J}_{i}) \in \mathbb{N} \text{ for } M \in \mathbb{N} \text{ for } M \in \mathbb{N} \}$

	Docket No. 2007-0320-PWS-E	Screening Date 27-Feb-2007	Scre
sion 2 (September 2002	Policy Revision	Respondent Texas H2O, Inc.	R
Revision January 9, 200	PCW Re	Case ID No. 32851	(
		Reference No. RN101217925	Reg. Ent. Ref
		Media [Statute] Public Water Supply	\$2.00 miles \$2
		nf. Coordinator Christopher Miller	and the control of th
		Violation Number 6	Viol
	0.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)	Rule Cite(s) 30 Tex. Admin. Code §	
	num service pump capacity of 2.0 gallons per minute ("gpm") illy, a system with 137 connections should have a capacity of ne investigation the Facility was providing 200 gpm, indicating a 27% deficiency.	per connection. Speci	Violatio
\$1,00	Base Penalty		
	triv	ental, Property and Human Health I	> Envisonmente
		Harm	> Environmenta
	Minor	Release Major Modera	
	,	Actual	OR
	Percent 25%	Potential x	
	Minor	atic Matrix Falsification Major Modera	>Programmatic
		Faisincation Major Modera	
	Percent 0%		
	Percent 0%	The look of sonites numb canacity	
	uld result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health.	allowing a significant amount of containing	Matrix Notes
000	uld result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels otective of human health.	allowing a significant amount of containing	
\$25	uld result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health.	allowing a significant amount of containing	
\$25	uld result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health.	allowing a significant amount of contacts	Notes
\$25	ald result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750	allowing a significant amount of contacts	
\$25	uld result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health.	allowing a significant amount of contacts	Notes
\$25	ald result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750	allowing a significant amount of contacts	Notes
\$25 \$25	ald result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750	allowing a significant amount of contacts and a significant amount of contacts are a significant amount of contacts and a significant amount of contacts are a significant amount of contacts and a significant amount of contacts are a significant amount of contacts and a significant amount of contacts are a significant amount of	Notes
	ald result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750 20 Number of violation days	allowing a significant amount of contact tes allowing a significant amount of contact test and an allowing a significant amount of contact test and allowing a significant amount of contact test a	Notes
	ald result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750 20 Number of violation days Violation Base Penalty	allowing a significant amount of contact tes allowing a significant amount of contact test and an allowing a significant amount of contact test and allowing a significant amount of contact test a	/iolation Events
	and based on the February 7, 2007 record review date to the lary 27, 2007 screening date.	allowing a significant amount of contact tes allowing a significant amount of contact test and	/iolation Events
\$2	Ild result in water outages and backflow problems potentially nates to enter the water supply which would not exceed levels of human health. Adjustment \$750 20 Number of violation days Violation Base Penalty ad based on the February 7, 2007 record review date to the eary 27, 2007 screening date. Statutory Limit Test	allowing a significant amount of contact tes allowing a significant amount of contact tes and	/iolation Events

Inc. 25 Supply Date Required \$ 18-Oct-2006	Final Date	Yrs 1	**************************************	Percent Interest 5.0 Onetime Costs \$54 \$0 \$0 \$0 n/a n/a n/a n/a n/a	Years of Depreciation 18 EB Amount \$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Date Required \$		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$54 \$0 \$0 \$0 n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Date Required \$		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$54 \$0 \$0 \$0 n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Date Required \$		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$54 \$0 \$0 \$0 n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Date Required \$		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$54 \$0 \$0 \$0 n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
18-Oct-2006		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$0 \$0 \$0 n/a n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
18-Oct-2006		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$0 \$0 \$0 n/a n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
18-Oct-2006		0.4 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$3 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 \$0 \$0 \$0 n/a n/a n/a n/a	\$57 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
	16-Mar-2007	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
	16-Mar-2007	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0,0 0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0
		0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0
		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	n/a n/a n/a n/a	\$0 \$0 \$0 \$0
		0.0	\$0 \$0 \$0	n/a n/a n/a	\$0 \$0 \$0
		0.0	\$0 \$0	n/a n/a	\$0 \$0
		0.0	\$0	n/a	\$0
		CONTRACTOR STATE S			
		0.0	¢Λ		
			ΨΟ	n/a	\$0
	the investigation.	entering ite 0.0 0.0 0.0 0.0	Is the date of co em (except for c \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	
					φυ \$0
					\$0
		CONTRACTOR CONTRACTOR			\$0
There	are no avolded o	11			
			0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	0.0 \$0 0.0 \$0	0.0 \$0 \$0 0.0 \$0 \$0

. District Varis (1)

Respondent Case ID No.				Policy Revision 2 (September 2002)
Reg. Ent. Reference No.				PCW Revision January 9, 2007
	Public Water Supply			
Enf. Coordinator				
Violation Number	7			
Rule Cite(s)		30 Tex. Admin. Cod	e § 290.46(n)(2)	
Violation Description	Falled to provide a ma	ap of the distribution sys event of an ei	tem to help locate valves and main nergency.	ns in the
			Base	Penalty \$1,000
>> Environmental, Property a				
Release	Harr Major Moder			
OR Actual Potential			Percent 0%	
>>Programmatic Matrix				
Falsification	Major Moder	rate Minor	Percent 25%	
	X		rercent 25%	
Matrix Notes	Failed to c	comply with 100% of the	rule requirement.	
		1	Adjustment	\$750
				\$25
Violation Events				
VIOIBUOIT LYCING				
	1		20 Number of violation day	S
mark only one with an x	daily monthly quarterly semiannual annual		Violation Base	e Penalty \$25
	single event x			
	0	ne single event is recon	nmended.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Tes	st .
Estimate	d EB Amount	\$24	Violation Final Pena	alty Total \$27
		This violation Fin	al Assessed Penalty (adjusted f	or mnits) \$27

Case ID No Reg. Ent. Reference No.	8				0	a da la composiçõe	
	Public Water S				n: La la	Percent Interest	Years of Depreciation
100000000000000000000000000000000000000						5.0	<u> </u>
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	i, i vide pro esc	et 2001 iii 18				
Delayed Costs							
Equipment				0,0	\$ 0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	5.4.40.00000000000000000000000000000000			0.0	\$0 \$0	n/a n/a	\$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,200	18-Oct-2006	16-Mar-2007	0.0	\$24	n/a	\$24
	Fetimated co	et to survey prepar	ib e timdus bae e	stribution	man. Date requi	red is the date of the	e investigation
Notes for DELAYED costs	Estimated co	st to survey, prepar			map. Date requi of compilance.	red is the date of the	e investigation.
Avoided Costs			Final date is	the date	of compilance. Item (except for	one-time avoided o	costs)
Avoided Costs Disposal	ANN		Final date is	ntering	of compliance. item (except for \$0	one-time avoided o	oosts) \$0
Avoided Costs Disposal Personnel			Final date is	ntering 0.0 0.0	of compliance. Item (except for \$0 \$0	one-time avoided o	sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN		Final date is	ntering 0.0 0.0 0.0	of compliance. Item (except for \$0 \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		Final date is	ntering 0.0 0.0 0.0 0.0 0.0	of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		Final date is	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		Final date is	ntering 0.0 0.0 0.0 0.0 0.0	of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

The first section of the section of

and the company wis of manager and agree 48"

Control of the Contro

The second of th

Compliance History

CN600656201 Texas H2O, Inc. Classification: AVERAGE Rating: 0.69 Customer/Respondent/Owner-Operator: Regulated Entity: RN101217925 FOREST ACRES GARDENS Classification: Site Rating: ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2200136 2200186 WATER LICENSING **LICENSE** CORNER OF GARDEN ACRES RD AND TEAGUE RD, Location: TARRANT COUNTY TCEQ Region: **REGION 04 - DFW METROPLEX** Date Compliance History Prepared: February 27, 2007 Agency Decision Requiring Compliance History: Enforcement February 27, 2002 to February 27, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Chris Miller 512-239-6580 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. В. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D 1 02/21/2003 (21095)2 11/10/2006 (514282)3 02/22/2007 (539584)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 02/21/2003 (21095)Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(2) Citation: Failure to provide proper roof hatch. For compliance documentation submit Description: photograph of replaced roof hatch when major repair or maintenance is performed on tank. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Description: Failure to provide sanitary control easements. Minor Self Report? NO Classification: Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3) Description: Failure to provide well log and cementing certificate for Well 2. Date: 11/10/2006 (514282)Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(2) Citation: Description: Failure to provide proper roof hatch. For compliance documentation submit photograph of replaced roof hatch when major repair or maintenance is performed on tank.

Classification:

Minor

NO

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Self Report? Citation:

Description: Failure to provide sanitary control easements. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3) Description: Failure to provide well log and cementing certificate for Well 2. Self Report? NO Classification Minor Citation: 30 TAC Chapter 290, SubChapter D 290.42(I) Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference. Specifically the manual should have procedures to be followed in the event of an emergency. Self Report? NO Classification Minor Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1) Failure to provide the ground storage tank with an adequate vent of the Description: gooseneck or roof ventilator type. Self Report? NO Classification Minor Citation: 30 TAC Chapter 290, SubChapter D 290,43(c)(5) Description: Failure to locate or design the position of the inlet connections to prevent short circuiting or stagnation of water. Self Report? NO Classification Minor Citation: 30 TAC Chapter 290, Sub/Chapter D 290.45(b)(1)(C)(i) Description: Failure to provide a well production capacity of at least 0.6 gallons per minute per connection. Self Report? NO Classification Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii) Description: Failure to provide a service pump capacity of at least 2.0 gallons per minute per connection. Self Report? NO Classification Minor Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2) Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.

F. Environmental audits.

N/A

G: Type of environmental management systems (EMSs).

Н. Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program. ١.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TEXAS H2O, INC.	§	
RN101217925	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0320-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas H2O, Inc. ("Texas H2O") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Texas H2O appear before the Commission and together stipulate that:

- 1. Texas H2O owns and operates a public water supply located at the corner of Garden Acres Road and Teague Road in Tarrant County, Texas (the "Facility") that has approximately 137 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Texas H2O agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas H2O is subject to the Commission's jurisdiction.
- 3. Texas H2O received notice of the violations alleged in Section II ("Allegations") on or about February 14, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas H2O of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand Four Hundred Ninety-Six Dollars (\$1,496) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas H2O has paid One Thousand One Hundred Ninety-Seven Dollars (\$1,197) of the administrative penalty and Two Hundred Ninety-Nine Dollars (\$299) is deferred contingent upon Texas H2O's timely and satisfactory compliance with all the terms of this Agreed Order.

The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Texas H2O fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas H2O to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Texas H2O have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that by March 16, 2007 Texas H2O has implemented the following corrective measures at the Facility:
 - a. Compiled a plant operations manual that includes procedures to be followed in the event of an emergency;
 - b. Positioned the inlet and outlet connections on the ground storage tank so as to prevent short circuiting or stagnation;
 - c. Provided a minimum service pump capacity of 2.0 gallons per minute per connection after installing a new 5.0 horsepower pump;
 - d. Installed a gooseneck vent on the ground storage tank; and
 - e. Provided an up-to-date map of the distribution system showing the location of all valves and mains.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Texas H2O has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Texas H2O is alleged to have:

1. Failed to adhere to the American Water Works Association ("AWWA") design standards for ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during a record review conducted on February 7, 2007.

en de la composition La composition de la La composition de la

. The property of the state of

n de la composition La composition de la

at Kirakira da kalendar da kalendar da Kirakira da Ariba da Kirakira da Kirakira da Kirakira da Kirakira da Ki Kirakira

and the second of the second o

and the second of the second o

en de la companya de la co

en de la composition La composition de la La composition de la

and the second of the second o

and the second of the second o

Carrier and Control of the Control o

n de la companya de la co La companya de la companya del companya de la companya del companya de la companya del companya de la companya de la companya del companya de la compa Texas H2O, Inc. DOCKET NO. 2007-0320-PWS-E Page 3

- 2. Failed to maintain copies of well completion data on file as long as the well remains in service, in violation of 30 Tex. ADMIN. CODE § 290.46(n)(3), as documented during a record review conducted on February 7, 2007. Specifically, the required information was not available for well No. 2 (G2200186B).
- 3. Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(l) as documented during a record review conducted on February 7, 2007.
- 4. Failed to properly locate the inlet and outlet connections so as to prevent short-circuting or stagnation of water within the ground storage tank, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(5), as documented during a record review conducted on February 7, 2007.
- 5. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(B)(i) and Tex. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on February 7, 2007.
- 6. Failed to provide a minimum service pump capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(c)(iii) and Tex. Health & Safety Code § 341.0315(c), as documented during a record review conducted on February 7, 2007.
- 7. Failed to provide a map of the distribution system to help locate valves and mains in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during a record review conducted on February 7, 2007.

III. DENIALS

Texas H2O generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas H2O pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Texas H2O's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas H2O, Inc., Docket No. 2007-0320-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

**

and the plant of the property of the property

en de la composition La composition de la La composition de la

- 2. It is further ordered that Texas H2O shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, provide a copy of the well log and cementing certificate for well No. 2 (G2200186B), as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order submit written certification, as described below in Ordering Provision 2.d, that demonstrates compliance with Ordering Provision 2.a.
 - c. Within 90 days after the effective date of this Agreed Order, provide a minimum well capacity of 0.6 gpm per connection, as required by 30 Tex. ADMIN. CODE § 290.45; and
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Texas H2O. Texas H2O is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

where $a_{0}=a_{0}$, $a_{0}=a_{0}$, $a_{0}=a_{0}$, $a_{0}=a_{0}$

and the second of the second o

en de la composition La composition de la La composition de la

and the second second

er er fan de Geneder fan de fan Geneder fan de fan

en de la composition La composition de la La composition de la Texas H2O, Inc. DOCKET NO. 2007-0320-PWS-E Page 5

- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Texas H2O shall be made in writing to the Executive Director. Extensions are not effective until Texas H2O receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Texas H2O in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Texas H2O, or three days after the date on which the Commission mails notice of the Order to Texas H2O, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

en de la composition La composition de la La composition de la

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	8/20/2007
attached Agreed Order on behalf of the	stand the attached Agreed Order. I am authorized to agree to the entity, if any, indicated below my signature, and I do agree to the I further acknowledge that the TCEQ, in accepting payment for

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;

the penalty amount, is materially relying on such representation.

- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mwlly Signature

Date

Name (Printed or typed)

Authorized Representative of

Texas H2O, Inc.

OWNER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

en de la composition La composition de la

Market of the state of the state of

or was a second of the